

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TIMOTHY L. WARD,

 Petitioner,

v.

STANLEY PAYNE,

 Respondent.

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No. 4:20-CV-1244 SPM

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on petitioner’s motion to proceed in forma pauperis. The motion will be provisionally granted. Additionally, the Court will transfer this case to the United States District Court for the Western District of Missouri.

Petitioner Timothy Ward, a Missouri state prisoner, seeks a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner is incarcerated at Eastern Reception Diagnostic and Correctional Center located in the Eastern District of Missouri. Petitioner’s conviction, however, arose in Lafayette County Circuit Court, in Lexington, Missouri, located in the Western District of Missouri.


The Eastern District of Missouri and the Western District of Missouri both have jurisdiction over the petition. *See* 28 U.S.C. § 2241(d). In such an instance as this, the Court may transfer the petition to the Western District “in furtherance of justice . . .” *Id.* Additionally, the Court has entered an administrative order stating that, absent any unusual circumstances, any habeas petition challenging a conviction or sentence arising out of a proceeding in the Western District of Missouri should be transferred to that district. *In re Business of the Court*, January 27, 1986. As a result, the Court will order that this case be transferred to the United States District Court for the Western District of Missouri.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to proceed in forma pauperis is **provisionally granted**, subject to modification by the United States District Court for the Western District of Missouri.

IT IS FURTHER ORDERED that the Clerk shall transfer this case to the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 2241(d).

Dated this 15th day of September, 2020.

A handwritten signature in cursive script, reading "Henry Edward Autrey", is written over a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE